

Basingstoke and Deane Local Planning Authority

Whitchurch Neighbourhood Development Plan 2014 – 2029

REGULATION 18 DECISION STATEMENT (proceeding to referendum)

1. Introduction

- 1.1 In accordance with the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood plans and to progress their neighbourhood plans through examination, referendum and to 'make' the Plan.
- 1.2 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 Basingstoke and Deane Borough Council (BDBC) has produced this 'Decision Statement' in relation to the Whitchurch Neighbourhood Development Plan (WNP). This statement confirms that the modifications proposed in the Examiner's Report on the WNP have been accepted by the Council and the Plan has been consequently amended. The Plan can now proceed to referendum.
- 1.3 The Examiner's Report and submission WNP, including supporting documents, can be viewed on the council's website at:

<http://www.basingstoke.gov.uk/WNP>

Hard copies of the documents can also be viewed at the borough council offices (Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke, RG21 4AH).

2. Background

- 2.1 On 22 March 2013 BDBC designated the Whitchurch Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of Whitchurch and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 Whitchurch Town Council, the qualifying body, submitted the draft WNP and supporting documents to BDBC on 19 January 2017.
- 2.3 Following submission of the WNP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 27 February 2017 for 6 weeks.
- 2.4 BDBC, with the consent of WTC, appointed an independent examiner, Janet Cheesley, to review the Plan and assess whether it should proceed to referendum.

- 2.5 The Examiner's Report was received in June 2017 and recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan meets the basic conditions set out in the legislation (Para 8(2) Schedule 4B Town and Country Planning Act 1990). The examiner also recommended that the area for the referendum should be based on the designated neighbourhood area which the Plan relates to.
- 2.6 In accordance with the legislation (Schedule 4B s12 Town and Country Planning Act 1990), the Local Planning Authority must decide what action to take in response to the examiner's recommendations, what modifications to make to the Plan and whether the Plan should proceed to referendum.
- 2.7 If the Local Planning Authority is satisfied that the Plan can proceed to referendum, it is also required to consider whether the Referendum Area should be extended beyond the Whitchurch Neighbourhood Area (Schedule 4B s.12(8) Town and Country Planning Act 1990).

3. Local Planning Authority Decision

- 3.1 Having considered the Examiner's Report the Local Planning Authority confirms that:
- All the Examiner's recommended modifications, as set out in Appendix 1, are accepted and agreed.
 - The WNP, incorporating all the recommended modifications and consequential modifications¹, should proceed to referendum as the Plan:
 - meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)
 - meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)
 - is compatible with the European Convention on Human Rights and complies with the Human Rights Act 1998.
 - The recommended modifications will not have significant environmental effects which were not previously assessed through the Environmental Assessment submitted with the WNP.
 - It agrees with the Examiner's recommendation to proceed to a referendum based on the Whitchurch Neighbourhood Area as approved by the council on 22 March 2013.
- 3.2 This decision has been made in accordance with the relevant legislation, guidance and advice and in response to the recommendations made in the Examiner's Report.
- 3.3 Not less than 28 days before the date of the referendum the Council must publish on their website and make available an information statement and specified documents (which will include the WNP, as revised in light of the Examiners recommendations).

¹ Modifications in order to correct errors/inaccuracies resulting from the amendments made in light of the Examiner's Report.

These documents will be made available during the referendum period for inspection including at the council's Civic Offices.

Schedule of Modifications to the Whitchurch Neighbourhood Development Plan

Appendix 1: Modifications in line with the Examiner's recommendations and in consent with Whitchurch Town Council

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
WNP1	2.18	12	Delete: "There are no identified mineral reserves of any consequence which may impact the allocation of development sites in the WNDP, although [S]uperficial mineral deposits do exist within the area and are safeguarded through Policy 15: Safeguarding – mineral resources of the HMWP".	Removal of inaccurate background information, in response to concerns raised by Hampshire County Council (HCC).
WNP2	GD1	36	Amend clauses 2 and 4 in order to make explicit reference to the Whitchurch Design Statement: 2) It responds to and retains the views towards the Town Square, the Silk Mill and towards All Hallows Church <u>that are identified in the Whitchurch Design Statement</u>. 4) It maintains open views towards the countryside, or across open spaces, paying particular regard to views from key existing routes within the Town <u>as identified in the Whitchurch Design Statement</u> and using design of architecture and landscaping that is sympathetic to their rural character.	In order to ensure that the policy is clear and can be applied consistently and with confidence when determining planning applications.

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WNP3	GD1	36	Delete: "7.12"	Minor drafting correction
WNP4	CS1	40	Use of the two tunnels under the railway line (one previously for track, now disused, and one for pedestrians) at or close to OS grid SU 46181 48936 immediately to the West of Whitchurch railway station, or as alternative vehicular access to Whitchurch, will be considered a positive factor in any proposal. Otherwise proposals that result in either the loss of access to the tunnels or in significant harm to the future ability to access the tunnels will be resisted.	Minor drafting correction
WNP5	LD1		7.33 Protection and Enhancement of Community Leisure and Cultural Facilities Open Spaces 7.34 Community, Leisure and Cultural facilities The open spaces as shown in Figure 7.2 will be protected and retained <u>unless satisfactory alternative facilities are provided; or unless it can be clearly proven that they are no longer required; or unless they will provide alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss.</u> 7.35 Developers must provide publicly accessible open space and other community facilities of the type, size and in the locations required in Policies HA2 and HA4 of this Plan. Developments should connect new open spaces to other existing or proposed open spaces by	The majority of Policy LD1 either overlaps with, or contradicts, other policies in the Plan, specifically Policies GD3, HA2 and HA4. As originally drafted in the Submission WNP the policy does not have regard to the criteria in paragraph 74 in the NPPF and is not in general conformity with strategic policy in BDLP Policy EM5.

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			means of footpaths, cycle paths and green corridors where possible. <u>Developments should connect new open spaces to other existing or proposed open spaces by means of footpaths, cycle paths and green corridors where possible.</u>	
WNP6	LD1, Figure 7.2	42	Figure 7.2 should be replaced with an inset OS based map(s) at an appropriate scale that ensures the precise boundaries of the open spaces are clearly identifiable	In order to ensure that the policy is clear and can be applied consistently and with confidence when determining planning applications.
WNP7	LD2	43	<u>Protection of Biodiversity and Landscape</u> Residential (private garden) development <u>as defined in paragraph [7.44]</u> will be permitted provided that proposals: <u>1) respect, enhance and are not detrimental to the character or visual amenity of the landscape; and</u> <u>2) avoid, or minimize loss of or significant harm to, the ecological or landscape value of private residential gardens, or if significant harm cannot be avoided, it should be adequately mitigated.</u> Where proposals are likely to lead to significant harm <u>to the ecological value</u>, the local planning	Policy LD2 seeks to protect the ecological value of private gardens. However, it does not allow for mitigation measures for loss of biodiversity. In this respect, the detailed wording in this policy is not in general conformity with BDLP EM4. Policy LD2 seeks to protect the landscape value of private gardens. However, Policy EM1 includes distinctly

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			authority may require survey evidence of habitats, species of wildlife, trees and hedgerows.	different policy requirements to those specified for biodiversity. Therefore, amendments are needed for precision and to ensure general conformity with strategic policies.
WNP8	GD4	46	Include additional supporting text to explain that the Town Centre is that identified in the BDLP Proposals Map.	In order to ensure that the policy is clear and can be applied consistently and with confidence when determining planning applications.
WNP9	GD5	47	7.61 To Encourage New Commercial Development, Retain Economic Vibrancy and Vitality and Enhance Frontages in the Town Centre Proposed developments for new Town Centre retail, financial and professional services, restaurants and cafes, drinking establishments and hot food take-aways (use classes A1-A5) fronting and adjacent to the principal shopping streets of Church Road, Winchester Street, Newbury Street, Bell Street, London Street and/or on primary pedestrian routes to and from car parks, will be permitted provided that:	The Examiner does not consider that the 30% frontage restriction on A2 uses has regard to national policy and can see no clear reason to restrict permitted development rights. To meet the Basic Conditions, she recommends deletion of this reference in Policy GD5.

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			1) additional financial and professional services (use class A2) are limited at street level to 30% of current shop frontages 2) changes of use from ground floor residential and/or employment to uses within A1-A5 are compatible with nearby residential properties and the development forms part of a mixed use scheme providing residential accommodation above ground floor.	The deletion of “7.61” is correct a minor drafting error.
WNP10	GD7	48	Amend title: Encourage a Diverse Range of Uses in the Town <u>Centre</u>	In order to ensure that the policy is clear and can be applied consistently and with confidence when determining planning applications.
WNP11	GD8	49	Amend clause 3): 3) adequate coach drop-off points and coach and car parking are provided <u>where appropriate</u>.	Some development covered by this policy may have no implications for coach and car parking. Therefore, an amendment is required in order to ensure the policy is clear and can be applied with confidence.
WNP12	TR1	53	Amend as follows:	In order to accord with national and local

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			Any development(s) that will have a severe independent or cumulative impact on traffic congestion in the Town Centre (The Square), Winchester Street or Winchester Road during peak periods will not be permitted, unless the applicant can make a convincing case, supported by an independent traffic impact assessment <u>Transport Statement or Transport Assessment</u> , that measures can be put in place to successfully mitigate its impact.	policy, TR1 should refer to the need for either a Transport Statement or Transport Assessment, rather than an unspecified traffic impact assessment.
WNP13	IP2	56	Amend as follows: New developments must ensure fast broadband connections are facilitated unless this would make a development unviable provide suitable ducting/infrastructure to enable fast broadband connections. A 'Connectivity Statement' must be provided with all applications for all new major developments, demonstrating compatibility with available fibre or communications infrastructure. and confirming the capacity of the backhaul systems.	The requirement in relation to the backhaul system is not considered reasonable and would not provide a practical framework for decision making and could undermine the sustainable development of major development sites.
WNP14	IP3	57	Amend as follows: In particular, the impact of the development upon the sewerage system and treatment works including flood risk which could adversely impact the quality of water in the River Test shall be considered. Proposals for new developments must identify and deliver any off-site infrastructure needed to connect to the	In response to comments made by Southern Water, in order to provide for a practical framework for decision making.

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			nearest point of capacity, determined by Southern Water in the sewerage system. This off-site infrastructure, which would need to be provided by the development, must be identified in terms of scope and potential impact on the Town Centre and SSSI as part of the design statement supporting development proposals. Any new or replacement infrastructure shall be located , designed and constructed to minimise the impact of implementation on the town businesses and traffic using the Town.	
WNP15	ES3	70	Amend first paragraph as follows: Planning applications that generate significant traffic should be accompanied by a Transport Statement and either a Transport Assessment or Transport Statement and by a Traffic<u>Transport</u> Management Plan <u>where appropriate</u>. Proposals for employment developments north of the Town Centre that would generate HGV traffic will need to demonstrate, by means of <u>either a Transport Assessment, Transport Statement and/or Transport Management Plan where appropriate</u>, that HGV traffic generated will be actively directed to the A34 junction north of the Town at Litchfield, avoiding the Town Centre. The direction of traffic will need to be practical and enforceable and the development will be required to provide for the direction of and	In order to ensure that the policy accords with national policy (as this may sometimes require a Transport Assessment as opposed to a Transport Statement). The addition of 'if necessary', is in order to ensure that the policy is precise and can be applied consistently and with confidence when determining planning applications.

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			compliance with a route by means of appropriate mechanisms funded by the developer, such as a Traffic Regulation Order, and effective directional signing and improvements to the junctions within the Town Centre <u>if necessary</u> .	
WNP16	HD1	73	Amend as follows: Applications for development of market housing, which are not exempt under Planning Policy <u>Practice</u> Guidance <u>affordable housing thresholds</u>, will be permitted providing that: 1) 40 per cent of the dwellings are affordable homes 2) The type and size of affordable homes meet the specific needs identified for <u>Whitchurch by the Housing Association/Affordable homes development partner through consultation with Basingstoke and Deane Borough Council's Housing department.</u> 3) Developments address the local need for older persons' housing. All dwellings are to be accessible in accordance with Building Regulations Approved Document M Volume 1, 2015 edition and 10% of dwellings are to be designed to the Lifetimes Homes standard to meet the need for housing designed for the needs of elderly or infirm residents	In the interest of precision, the Examiner recommends modification to explicitly make reference to the affordable housing thresholds, and for 'market' housing to be specified in clause e). The Examiner explains in her report that BDBC's Housing Department has objected to criterion 2), stating that specific affordable housing requirement within the Plan area will need to be established through consultation with the BDBC Housing Department. The Examiner considers that this is a practical

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			4) Affordable homes are well integrated with market housing 5) Development proposals provide evidence, proportionate to the scale of development proposed, to justify the mix of <u>market</u> housing proposed.	way of ensuring that the strategic requirement for affordable housing is achieved. The reference to technical standards is recommended for removal as per the Written Ministerial Statement of 25 March 2015 in which the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.
WNP17	11.12	77	The Scheme recognises<u>recognized</u> the specific need of rural areas and provides for the “shortlisting” of individuals who qualify for the housing register and have a “local connection”. BDBC has confirmed that Whitchurch qualifies as a rural area for the purpose of the Scheme.	The amendments to the supporting text reflect the changes to HD2 which have been recommended by the Examiner. This change

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			Discussions with BDBC have resulted in clarification that “shortlisting” will be interpreted as “prioritisation”. The term “Local Connection” is however not defined in the rural area context and therefore BDBC Policy is not clear as to whom such “prioritisation” will apply. Whitchurch is located close to Test Valley Borough Council and in particular Andover where, according to reports from Whitchurch Borough Councillors, individuals who are unable to find accommodation in Whitchurch are often temporarily relocated. Under the current BDBC Allocation Scheme such individuals (who would otherwise qualify) would not be eligible for prioritisation even though they have a strong and sometime long family connection. To address this local need, Policy HD2 sets out the local connection criteria which are specifically relevant to Whitchurch. In May 2017 BDBC replaced the word “shortlisting” by “prioritization” which provides some clarification. BDBC have further suggested that they are currently developing their policy in regard to the definition of Local Connection in the rural area context and that they hope to provide clarification through Supplementary Planning Guidance which will be consulted on in the future.	to the supporting text is recommended by the Examiner in para 152. The Examiner considers this change to the supporting text to be a minor editing issue.
WNP18	HD2	74	Amend as follows:	The affordable housing local connection criteria in Policy HD2 do not

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			Providing Affordable Housing for those with Local Connections Providers of affordable housing shall ensure that before being offered to individuals and families in housing need in other parts of the Borough, all reasonable efforts are made to ensure that dwellings in Whitchurch are offered to persons (and their dependents) whose housing needs are not met by the market; and who meet the requirements of the Basingstoke Borough Council Allocations Scheme, other than the Borough residency criteria; and 1) Who have a minimum period of 3 years out of the last 10 years permanent and continuous residence in the parish or an adjoining parish; or 2) who are not now resident in the parish or an adjoining parish but have a local connection with the parish including a period of permanent and continuous residence of 10 years or more within the last 20 years; or 3) who have an essential need to live close to another person who has a minimum of 10 years permanent and continuous residence in the parish or an adjoining parish, the essential need arising from proven age or medical reasons; or 4) who need to live close to their place of work in the parish or an adjoining parish; or	correspond to the BDBC Housing Allocation Policy. The Examiner considers that she has no clear evidence before her to justify departing from the BDBC Housing Allocation Policy, which underpins the strategic housing policy. In the interest of providing a practical framework for decision making, she recommends modification to Policy HD2 to accord with the BDBC Housing Allocation Policy.

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			5) who have close relatives (parents, siblings, or children) who have lived in the parish for the last 5 years or more. <u>In all new housing developments providing affordable housing the occupancy of affordable homes will be prioritised for households with a local connection with the parish of Whitchurch, as defined by the Basingstoke and Deane Borough Council Housing Allocations Scheme and any relevant planning policy guidance.</u> The supporting text should also be altered accordingly.	
WNP19	HA2	84	Amend as follows: Allocation of Land West of Evingar Road (North West Whitchurch) for up to <u>approximately</u> 94 Dwellings and up to <u>approximately</u> 4000m2 of Business Development The part of the 14 ha site to the east of the Proposed Settlement Policy Boundary at North West Whitchurch (Figure 11.5), which includes the Land adjoining Caesar's Way (13/01522/OUT) which has outline planning permission for up to 34 homes, is allocated for a mixed housing and business development. The site will deliver a high quality development that will make provision for up to <u>approximately</u> 94	The Examiner considered that she has not been presented with any clear evidence that the capacity of the site should be restricted to 'up to' 94 units and 4000 square metres of employment floorspace. Therefore, she recommends that these capacities be changed to 'approximately'. Policy HA2 lists a number of criteria that

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			homes (class C3) and up to <u>approximately</u> 4000m2 of business development (classes B1 and B2). 3) Include measures to mitigate the impact of the development on the local road network including the protection of the Town Centre from employment related Heavy Goods Vehicle (HGV) traffic as set out in WNDP policy ES3. 4) Include the design of a new access road and junction designed to restrict HGV traffic turning south on Evingar Road, and improvements to the junctions within the Town Centre and to seek financial contribution from the developers to cover the costs of implementing a Traffic Regulation Order. <u>54)</u> Include measures to improve accessibility by non-car transport modes, particularly to the centre of Whitchurch and ensure the ability to <u>service access</u> the site by public transport 7) Comply with WNDP policy CS1 including designing the development, road layout and amenity space so as not to prevent the potential future use of the old Newbury to Winchester Railway tunnel as an HGV route to the A34 Newbury Road.	are already policy requirements elsewhere in the Plan. Repetition is not necessary and does not provide a practical framework for decision making. Therefore, the Examiner recommends that the following criteria in Policy HA2 are deleted: 3) (reference to HGVs), 4, 7 and 9). Clause 5) has been recommended for a minor amendment in order to ensure it is practical to implement. Criterion 10 is recommended for removal as the Examiner considers that the neighbourhood plan cannot impose technical standards. Clause 12 is recommended for

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			9) Incorporate and/or promote renewable energy technologies. 10) Have dwellings that are accessible in accordance with M4(2) of the Building Regulations 2015 or any subsequent government standard. 12) The developer agrees with the Planning Authority on a managing organisation for the proposed and existing adjacent (Caesars Way) open space. Developer to prepare a landscape and ecological master plan for the community open space areas of the site and ensure that an ecological management plan is in place and funded in perpetuity to maintain this public asset. 15) Complete the provision of external and internal road and services infrastructure for the business employment part of the site prior to the occupation of the first dwelling.	amendment as the Examiner considers that detailed management organisation of the open space in question is not a land use and development matter. In relation to clause 15, the Examiner considers that there is no clear robust evidence that the provision of the employment land infrastructure prior to the occupation of the first dwelling is necessary and reasonable, and consequently the policy would not meet the conditions tests set out in the PPG.
WNP20	HA3	86	Amend as follows: Allocation of the Whitchurch Car Centre Site as a Reserve Site for Approximately 10 Dwellings	The Examiner can see no reason why the principle of residential development of the Whitchurch Car Centre site would not be in general conformity with

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			The 0.15 ha site at the Whitchurch Car Centre (figure 11.6) is allocated as a reserve site for housing development in the WNDP and will deliver a high quality development that will provide approximately 10 dwellings, likely to be in the form of flats. <u>As the site is partly located within flood zones 2 and 3, the sequential approach to development in areas at risk of flooding should be applied.</u>	BDLP Policy SS1. On this basis, she can see no robust evidence to justify allocating this site as a reserve site rather than as an allocation for construction during the current Plan period. The additional test is relation to the sequential approach to the development of the site from a flood risk perspective in response to comments provided by The Environment Agency, and in recognition of the sequential approach set out in paragraphs 100-104 in the NPPF.
WNP21	HA4	87	Amend as follows: 3) Include measures to mitigate the impact of the development on the local road network including improvements, <u>if necessary</u>, to the junction with Winchester Road, and to the junctions within the Town Centre	Clause 3) has been amended in order to make it more precise. Clause 4) has been recommended for a minor amendment in

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			4) Include measures to improve accessibility by non-car transport modes, particularly to the centre of Whitchurch and ensure the ability to <u>service access</u> the site by public transport 7) Incorporate and/or promote renewable energy technologies 8) Have dwellings that are accessible in accordance with Building Regulations Approved Document M Volume 1, 2015 edition 11) In the light of the nearby sewage treatment works, ensure that acceptable odour standards can be met within homes and amenity areas through the preparation of a comprehensive <u>mitigation assessment/strategy (to be agreed with Southern Water).</u>	order to ensure it is practical to implement. Criterion 7) repeats other policies already contained within the WNP, and hence is recommended for removal. Criterion 8) is recommended for removal as the Examiner considers that the neighbourhood plan cannot impose technical standards. The Examiner has recommended that clause 11) is amended in line with comments received by Southern Water, and in order to accord with paragraph 109 in the NPPF.
WNP22	11.5 and 11.7	88	Amend as follows: Figures 11.5 and 11.7 to refer to 'The Settlement Boundary (HA5)' in their Key, rather than this being a 'proposed' boundary.	In order to ensure that the wording of the plan is precise and can be implemented effectively.

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WNP23	CP1	89	Last two sentences in Policy CP1 moved to the supporting text.	In the interests of precision as these are statements, rather than land use and development policy.

Please note that as a result of the Examiner's recommended modifications, consequential changes also need to be made to the Plan in order to avoid factual errors and inaccuracies (Schedule 4B s.12(6) Town and Country Planning Act 1990). Such modifications are not all listed in the Schedule above. Furthermore, other minor changes such as typographical and factual updates are also not listed in the schedule.